

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 13, 1997**

DIVISION ONE

B107751      Mendoza, et al.      (Not for Publication)  
v.  
American Emergency Physicians Medical Group, Inc.

The judgment is reversed and the cause remanded for respondent's reinstatement as a party defendant. Appellants shall recover costs on appeal.

Dunn, J. (Assigned)

I concur: Spencer, P.J.  
I dissent: Ortega, J. (Opinion)

DIVISION TWO

B081544 California Coastal Commission  
v.  
Peggy Ann Buckley, et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment.)

## DIVISION THREE

B103949 People (Not for Publication)  
v.  
Griggs

The Court:

The judgment is modified by striking the four-year Penal Code section 12022.3, subdivision (a) enhancement to appellant's sentence for his conviction for attempted forcible sodomy (count 10) and, as modified, is affirmed.

Klein, P.J., Croskey, J., Aldrich, J.

November 13, 1997-Continued

### DIVISION THREE (Continued)

[illegible]

The Court:

The judgment is affirmed.

Croskey, Acting P.J., Aldrich, J., Aranda, J. (Assigned)

B095637      Rich Girl Entertainment, Inc. etc.      (Not for Publication)  
v.  
Trans Atlantic Distributors, etc. et al.

The judgment is reversed and the matter is remanded with directions to enter judgment in favor of the defendants. The defendants shall recover their costs on appeal.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

## DIVISION FOUR

Court convened at 9:00 A.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Baron, J., and Jim Guzman, Deputy Clerk.

Each of the following:

B115024 Bonnie B. v. Department of Children & Family Services  
B111094 Jerry H. v. Department of Children & Family Services  
B111878 Petronella P. v. Department of Children & Family Services  
B107538 People v. Ferro  
B104367 People v. Marshall  
B108533 People v. Carpio  
B107546 People v. Campbell  
B103456 People v. Perry

Argument waived, cause submitted.

DIVISION FOUR (Continued)

B110039     People  
              v.  
              Stroud

Merits:

Argued by Joseph B. De Illy for appellant and by Valerie Baker for respondent. Cause submitted.

B113530     Tulley  
              v.  
              Superior Court of Los Angeles  
              (Good Samaritan Hospital, r.p.i.)

Merits:

Argued by Cori B. Steinberg for petitioner and by Stephanie C. Brennan for real party in interest. Cause submitted.

B112606     Floveyor International LTD  
              v.  
              Superior Court of Los Angeles  
              (Shick Tube-Veyor Corporation, r.p.i.)

Merits:

Argued by George A. Pisano for petitioner and by Bryan M. Weiss for real party in interest. Cause submitted.

B105216     Barris  
              v.  
              County of Los Angeles

Merits:

Argued by Kenneth M. Sigelman for appellant and by Alison M. Turner for respondent and Richard Massa, Amicus for appellant and Mitchell C. Tilner, Amicus for respondent. Cause submitted.

DIVISION FOUR (Continued)

B114112     Scottsdale Insurance Company  
              v.  
              Superior Court of Los Angeles  
              (Spyglass Homeowner's Association, r.p.i.)

Merits:

Argued by Sterling Tao for petitioner and by Shawn E. Cowles for real party in interest. Cause submitted.

B110284     Dorothy R.  
              v.  
              Department of Children & Family Services

Merits:

Argued by Dorothy Rowan for appellant and by Judith German for respondent. Cause submitted.

Court recessed.

The Court reconvened at 1:30 P.M.

Present: Vogel (C.S.), P.J., Epstein, J., Hastings, J., Baron, J., and Jim Guzman, Deputy Clerk.

Each of the following:

B106031 People v. Orellana  
B107949 People v. Cerda  
B104552 People v. Mahoney  
B105395 People v. Beasley  
B110901 Danny L. v. Department of Children & Family Services  
B098462 Wang v. Wang  
B099239 Flores v. Perriseau

Argument waived, cause submitted.

DIVISION FOUR (Continued)

B110102     People  
              v.  
              Cazares

Merits:

Argued by Joseph F. Walsh for appellant and by Andrew D. Amerson for respondent. Cause submitted.

B105435     People v. Uriostegui  
B116189     In Re Uriostegui on Habeas Corpus

Merits:

Argued by Katharine E. Greenbaum for appellant and petitioner and by April Sylvester for respondent. Cause submitted.

B101589     Gonzalez  
              v.  
              Bowden-Sundeen Partnership

Merits:

Argued by Murry Sturner for appellants and by Barry A. Ross for respondents. Cause submitted.

B112092     Claudio V.  
              v.  
              Department of Children & Family Services

Merits:

Argued by Harry Zimmerman for appellant and by Holly Bryan for respondent. Cause submitted.

DIVISION FOUR (Continued)

B080548      Clow  
                  v.  
                  ABE

Merits:

Argued by Gilbert Gaynor for appellant and by H. Jay Kallman for respondents. Cause submitted.

Court adjourned.

B110436      Wellpoint Health Networks, Inc., et al.      (Certified for Publication)  
                  v.  
                  Superior Court, Los Angeles County  
                  (McCombs, r.p.i.)

The alternative writ is discharged and the stay is dissolved. Let a peremptory writ of mandate issue directing the respondent trial court to vacate its order of March 5, 1997, to the extent that it requires petitioners to produce all documents pertaining to the Lafayette law firm's prelitigation investigation of McCombs's complaint of discrimination, and to enter an order requiring petitioners to prepare a privilege log pursuant to section 2031, subdivision (f)(3) of the Code of Civil Procedure. Should defendants waive the attorney-client privilege or the protections of the work product doctrine in their answer or otherwise, the motion to compel may be renewed and resolved in accordance with the views expressed in this opinion. Costs to petitioners.

Baron, J.

We concur:    Vogel (C.S.), P.J.  
                  Epstein, J.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, Acting P.J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B110409     Brown  
              v.  
              Deshmeh

Merits:

Argued by Ira Cohen for appellant and by Kurt H. Pyle for respondent.  
Cause submitted.

B110597     Fukutomi  
              v.  
              Taylor

Merits:

Argued by John F. Shellabarger for appellant and by George E. Taylor, respondent, appearing in propria persona. Cause submitted.

B112571     Federal Insurance Co.  
              v.  
              Ventura Co. Superior Court  
              (Mackey, r.p.i.)

Mandate:

Presented by Karen M. Andrews for petitioner and by Philip A. Metson for real party in interest. Cause submitted.

Court recessed at 10:00 A.M.

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

Each of the following:

B104672 People v. Duarte  
B106685 People v. Schandel  
B107197 People v. Baudizzon  
B108374 People v. Buelna  
B109325 People v. Alvez  
B110152 People v. Breese  
B110241 People v. Soto  
B110559 People v. High  
B110650 People v. Apodaca

Argument waived, cause submitted.

B111331     People  
                  v.  
                  Guzman

Merits:

Argued by Sylvia Whatley Beckham for appellant. Argument waived by respondent. Cause submitted.

B106230     People  
                  v.  
                  Murray

Merits:

Laini Millar Melnick appeared for appellant and moved to withdraw Appellant's Opening Brief as moot. Karen Moran O'Keefe, Deputy Attorney General, appeared for respondent. Respondent did not oppose. Counsel are directed to serve and file joint responses within 30 days. Matter is ordered off calendar.



DIVISION SIX (Continued)

B110213     People  
              v.  
              Garcia

Merits:

Argued by Janet Vining Mitchell for appellant and by Kyle S. Brodie, Deputy Attorney General, for respondent. Cause submitted.

B110738     People  
              v.  
              Aber

Merits:

Argued by Kevin De Noce for appellant and by Deborah Sturrock, Deputy Attorney General, for respondent. Cause submitted.

B102225     People  
B105515     v.  
              Quigley and De La Torre

Merits:

Argued by Glenn Durfee for appellants. The court deems the issues in both cases addressed. Argued by Karen Moran O'Keefe, Deputy General, for respondent in B102225 and by Paul C. Ament, Deputy Attorney General, for respondent in B105515. Cause submitted.

B109675     People  
              v.  
              Owens

Merits:

Argued by Darryl Mounger for appellant and by Louis W. Karlin, Deputy Attorney General, for respondent. Cause submitted.

DIVISION SIX (Continued)

B110966     People  
              v.  
              Woodill

Merits:

Argued by Lyn A. Woodward for appellant and by Kyle S. Brodie, Deputy Attorney General, for respondent. The court directed additional briefing on the issue of whether a law enforcement entity spending money to purchase drugs becomes a victim entitled to restitution (*People v. Torres* (Nov. 7, 1997) \_\_\_ Cal.App.4th \_\_\_ [97 Daily Journal D.A.R. 13827]). The court directed appellant to serve and file a letter brief within 15 days. The court directed respondent to serve and file a letter brief in reply 15 days thereafter. The cause will stand submitted 30 days from this date.

B108578     People  
              v.  
              Zermeno

Merits:

Argued by Marcia C. Levine for appellant and by Peggie Bradford, Deputy Attorney General, for respondent. Cause submitted.

B106528     People  
              v.  
              Villagomez

Merits:

Argued by Dan Mrotek for appellant and by Karen Moran O'Keefe, Deputy Attorney General, for respondent. Cause submitted.

Court recessed at 3:10 P.M.

DIVISION SIX (Continued)

Court reconvened at 3:25 P.M

Present: Stone, P.J., Gilbert, J., Yegan, J., Coffee, J., and G. Bents, Deputy Clerk.

B108438     People  
              v.  
              Shelton

Merits:  
Argued by Leonard J. Klaif for appellant and by Peggy J. Bradford, Deputy Attorney General, for respondent. Cause submitted.

B105385     People  
              v.  
              Antoniotti

Merits:  
Argued by Suzan E. Hier and Richard Lennon for appellant and by Kyle S. Brodie, Deputy Attorney General, for respondent. Cause submitted.

B110644     People  
              v.  
              Cass

Merits:  
Argued by David B. Shea for appellant and by Louis B. Karlin, Deputy Attorney General, for respondent. Cause submitted.

B103585     People  
              v.  
              Messer

Merits:  
Argued by Michael B. Dashjian for appellant and by Louis W. Karlin, Deputy Attorney General, for respondent. Cause submitted.

DIVISION SIX (Continued)

Stone, P.J. leaves the bench.

B103161     People  
              v.  
              McDougald

Merits:

Argued by Susan Pochter Stone for appellant and by Paul C. Ament,  
Deputy Attorney General, for respondent. Cause submitted.

Court adjourned at 4:50 P.M.

(Certified For Publication)

B117564     People  
              v.  
              Keith

Filed order granting petition for rehearing.

5067-97     THE HONORABLE LAURA A. MATZ, Judge of the Municipal Court,  
Glendale Municipal Court District, Los Angeles County, is hereby assigned  
to assist the Court of Appeal, Second Appellate District, Division Six, as a  
justice thereof, from November 17, 1997, to February 28, 1998, and until  
completion and disposition of all causes and matters submitted pursuant to  
this assignment including, if necessary by reason of a vacancy or  
disqualification of a Court of Appeal justice, all petitions for rehearing  
arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be  
composed of two justices pro tempore.

Dated: October 30, 1997

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

## DIVISION SEVEN

B098089      Verbiezen      (Not for Publication)  
v.  
Verbiezen

The judgment is affirmed. Costs on appeal are awarded to respondent.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

B094640 Cheap (Not for Publication)  
v.  
K-Mart Corporation

The judgment of nonsuit is reversed, and the cause remanded for further proceedings consistent with this opinion. Appellant is awarded his costs on appeal.

Johnson, J.

We concur: Lillie, P.J.  
Woods, J.

(Not for Publication)

B109636      Los Angeles County Dept. of Children & Family Services  
v.  
Pamela K.

The order terminating jurisdiction, granting sole legal and physical custody to father, and granting only monitored visitation to mother are reversed and the cause remanded to the juvenile court to hold an evidentiary hearing and thereafter decide anew the issues of jurisdiction, custody and visitation. Each side to bear its own costs of appeal.

Johnson, J.

We concur: Lillie, P.J.  
Neal, J.